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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ALENA KRILEY,

10 No. 2:21-cv-01176-JHC

11 Plaintiff,

12 ORDER

13 vs.

14 CHARLIE BROWNE, JAMIE PHIFER,
15 STAFF MEMBER UNKNOWN NAME, ALL
16 WOMEN'S CARE,

17 Defendants.

18 This matter comes before the Court on Plaintiff's motion regarding service of process on
19 Defendant Jamie Phifer. Dkt. # 35. The Court has reviewed the materials submitted in support
20 of and in opposition to the motion. Plaintiff did not submit a reply in support of the motion.

21 The Court finds that Plaintiff has not served Defendant Phifer with process. But district
22 courts have broad discretion to extend time for service under Rule 4(m). In *Henderson v. United*
23 *States*, 517 U.S. 654, 61 (1996), the Supreme Court observed that Rule 4's time period for
service "operates not as an outer limit subject to reduction, but as an irreducible allowance." *See also Mann v. American Airlines*, 324 F.3d 1088, 1090 (9th Cir. 2003) ("Rule 4(m) explicitly
permits a district court to grant an extension of time to serve the complaint"). In making

1 extension decisions under Rule 4(m), a district court may consider factors such as the statute of
2 limitations bar, prejudice to the defendant, actual notice of the lawsuit, and eventual service.

3 *Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2007).

4 Here, based on the materials submitted in connection with the motion, the Court finds
5 good cause under Rule 4(m) for Plaintiff's failure to serve Defendant Phifer. Factors supporting
6 an extension here include: (1) the lack of any apparent prejudice to the defendant; (2) the statute
7 of limitations; (3) actual notice of the lawsuit; and (4) Plaintiff's apparent good-faith efforts to
serve this defendant within the 90 days.

8 Accordingly, the Court GRANTS the motion in part. Plaintiff may have until July 29,
9 2022 to serve Defendant Phifer with process.

10 DATED this 28th day of June, 2022.

11 
12 Judge John H. Chun